



State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095  
(603) 271-2147 FAX (603) 271-6588



LETTER OF DEFICIENCY  
WET 2004-07

February 6, 2004

MBC Timber, Inc.  
Attn: Mike Carter  
PO Box 216  
Bradford, NH 0322

RE DES Wetland File 2003-02874, Sutton

Dear Mr. Carter:

On January 6, 2004, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Sutton Tax Map 3 as Lot 022 and 098 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A and NH Code of Admin. Rules Wt 100-700.

During the inspection, the following deficiencies and site conditions were documented:

Eight wetland crossings (denoted as C1- through C8-, see enclosed inspection report and location map) were identified on the Property that area not in compliance with the "Notification of Forest Management Activities Having Minimum Wetlands Impact" received by DES on December 30, 2003. This has resulted in approximately 9,000 square feet of jurisdictional wetland impacts.

2. The project was not carried out using The Best Management Practices for Erosion Control on Timber Harvesting Operations in New Hampshire (April, 1996) ("BMPs").

Two dredge and fill areas were observed (denoted as PD1- and RC1-, see enclosed inspection report and location map) along the gravel access road being constructed on the Property. These areas appeared to be within jurisdictional intermittent streams, however, due to weather conditions at the time of the inspection and extensive disturbance further investigation will be needed to clarify jurisdictional status and size of the impact area.

In response, you are requested to take the following actions

Immediately stabilize the site with appropriate erosion, sediment and turbidity controls and monitor the site for weather changes to ensure compliance with BMPs;

2. Voluntarily refrain from continuing work on the Property within Wetlands Bureau jurisdiction

By **March 6, 2004**, submit a restoration plan to DES for review and approval. Have the restoration plan prepared by a certified wetland scientist, and include provisions for stabilizing

the site, removal of the non-conforming and/or non-permitted jurisdictional wetland crossings and restoration of the approximate 9,000 square feet of impacted wetlands on the Property. Submit the following with the restoration plan:

a. A plan with dimensions, drawn to scale, showing:

1. Existing conditions, with wetland boundaries (delineated by a certified wetland scientist using appropriate delineation methods);

2. Proposed conditions after reestablishing the jurisdictional areas;

b. A detailed description of the proposed means of erosion control (silt fence, hay bales, etc) and stabilization of the restoration area;

c. A detailed description of the proposed planting plan for the stabilization and revegetation of the restoration areas and control of invasive species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*);

d. A description of the proposed construction sequence and methods for accomplishing restoration and anticipated restoration compliance date.

e. A description of the method of documenting at least 75% survival of all vegetation planted during the restoration project. This should include at a minimum two monitoring progress reports during the first growing seasons following completion of the restoration project.

4. Retain a qualified wetland scientist to supervise the implementation of the restoration plan and to submit the restoration progress reports.

5. Implement the restoration plan only after receiving written approval and as conditioned by DES.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

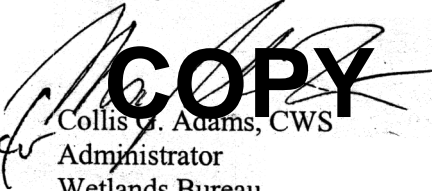
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All documents submitted in response to this Letter of Deficiency should be addressed as follows:

William A. Thomas, Compliance Specialist  
Wetlands Bureau  
Department of Environmental Services  
29 Hazen Drive  
PO Box 95  
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact me at (603) 271-4066 or by e-mail at [wthomas@des.state.nh.us](mailto:wthomas@des.state.nh.us).

Sincerely,

  
**COPY**  
Collis G. Adams, CWS  
Administrator  
Wetlands Bureau

enclosure

CERTIFIED MAIL 7002 3150 0001 5411 0251

cc: Rene Pelletier, Manager, Land Resources Management Program

~~Gretchen Rule, Administrator, DES Legal Unit~~

Ridge Mauck, DES Site Specific

Jeffery D. Blecharczyk, DES Wetlands Bureau

Douglas Miner, DRED Forest Ranger

Sutton Conservation Commission

Sutton Board of Selectmen

USACOE

Catherine Chan

RCS Designs, Robert Stewart